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**LATHAM & WATKINS** LLP

January 11, 2024

**VIA ECF**

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, New York 10007

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Re: *Sjunde AP-Fonden et al. v. Gen. Elec. Co. et al.*, No. 1:17-cv-8457 (JMF)

Dear Judge Furman:

On behalf of Defendants General Electric Company (“GE”) and Jeffrey S. Bornstein, we write pursuant to Rule 7.C. of the Court’s Individual Rules and Practices in Civil Cases for leave to: (i) publicly file Defendants’ memorandum of law in opposition to Plaintiffs’ motions *in limine* in redacted form; (ii) file the unredacted form of Defendants’ memorandum of law under seal; and (iii) file one exhibit submitted in support of Defendants’ memorandum of law under seal.

Specifically, Defendants seek leave to redact references to confidential information contained in documents that are the subject of their previously filed and currently pending motions to seal, *see* ECF No. 417, including ECF Nos. 355-011 or 358-022 (Kothari Rep.) and 385-014 (cited at ECF No. 383 (Pls.’ SOF) ¶¶ 170, 175). In the interest of judicial economy and to avoid redundancy in their filings, Defendants incorporate by reference the legal authorities and arguments contained in their prior letter motions to seal and respectfully refer the Court to such prior-letter motions concerning these documents and the confidential information contained therein. *See* ECF Nos. 348, 386, 394. Defendants respectfully request leave to redact references to the confidential information contained in these documents in their memorandum of law.

Furthermore, Defendants respectfully request that Exhibit D to the Declaration of Blake T. Denton be filed under seal. Exhibit D is internal correspondence between GE employees that attaches a company presentation, which contains detailed confidential and commercially sensitive information relating to GE’s financial metrics, performance data, and internal business strategies. For the same reasons stated in their prior letter motions and the legal authorities and arguments contained therein, Defendants respectfully submit that the proposed sealing of Exhibit D is appropriate.

Defendants appreciate the Court’s time and attention to this matter.

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LATHAM & WATKINS<sup>LLP</sup>

Respectfully submitted,



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William J. Trach  
of LATHAM & WATKINS LLP

cc: All counsel of record (via ECF)

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motions. The Clerk of Court is directed to terminate ECF No. 447.

SO ORDERED.



January 12, 2024